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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,415	12/16/1999	BRYAN SEVERT HALLBERG		8841

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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/465,415

Applicant(s)

HALLBERG ET AL.

Examiner

Vincent F. Boccio

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment of 11/7/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2621

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed on 11/7/06 against amended claims have been fully considered but they are not persuasive.

{A} In re page 7, applicant states, the claims as amended,

"... Copying said MPEG transport stream data, in an MPEG format and including an MPEG header, into [a] data field of [a] DIF block." None of the cited references, either taken alone or in combination discloses this limitation."

In response the examiner fails to agree.

Based on col. 2, lines 17-24, which states,

"In addition to the DVC standard, it is specified that the copy generation management information will be inserted in the header of the MPEG 2 transport stream".

Since the DVC standard is recording DIF blocks and records MPEG transport stream in accord to the standard and further the copy management data is inserted into an MPEG transport stream header, there is a transport stream header recorded for the MPEG transport stream data, as is taught and understood.

If the MPEG transport stream header was removed, the examiner would like to know, where did it go and further is it possible to decode digital encoded data, such as MPEG transport stream without header information??

Removing the header with respect to an MPEG transport stream without some other means, would render the stream unusable as the headers are at head that identify what is next, without a decoder could not decode, the system would not be enabled and operable without the header data, realistically for any digitally encoded content, requires a header to identify the data, as is known and deemed required.

See the newly added details below, which should clarify the examiner's position.

Art Unit: 2621

{B} In re page 7, applicant states, "MPEG and DVR data though transported across the same transmission path, are not combined. Nor would a format conversion by the recording device accomplish the claimed procedure; reformatted MPEG data as DIF data, for example, would not copy the MPEG data, including the MPEG header, into the data field of a DIF block."

DVR is really the DVC in this case, yes it is a digital Video recorder, but, DVC is a tape recording format and also a transmission format which the MPEG data is said to be encapsulated into, some of the DIFS blocks, are the MPEG Transport stream data, with a DIF format header (Fig. 11 or Fig. 12, Fig. 13, Fig. 14-15 and Fig. 3), therefore encapsulated, similar to an encapsulating processes to transfer data on the 1384 bus, as is known to those skilled in the art.

In response, IT IS NOTED that there is no support from the prior art associated with the statements made by applicant and therefore fails to be persuasive.

The examiner has explained in detail the position and interpretation (see above the below) of the newly amended to limitation.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

Art Unit: 2621

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 5,832,085) in view of Okuyama et al. (US 5,987,126).

The examiner incorporates by reference the rejection against the claims.

The examiner will address claim 1 as amended.

The claims recite, "copying the MPEG transport stream data, in an MPEG format and including an MPEG header, into the respective data fields of at least one DIF and storing ..."

See Okuyama col. 2,

"... digital VCR (hereinafter also referred to as DVC"

col. 10, Figs. 1-10, multiple respective DVC formats

Fig. 5, 10 tracks per/frame

Col. 12, lines 47-54, "DVC format .... one track into 150 packets"

Col. 12, lines 55-62, "V0 to V134 correspond to 135 sync, blocks are laid out"

Col. 12, lines 63-65, "each block (DIF block)"

Based on the cited passages, packets, blocks and DIF are different words describing the same.

Therefore, 150 DIFS/track being a DVC standard, which is a data structure for recording to tracks, such as 10 tracks per frame and 150 DIF per track.

Art Unit: 2621

Based on col. 2, lines 17-24, which states,

"In addition the DVC standard, it is specified that the copy generation management information will be inserted in the header of the MPEG 2 transport stream".

Therefore, in conclusion recording with respect to DVC includes DIF blocks, which specifies 10 tracks/per frame (SD signal, know to be NTSC and different for PAL) and further 150 DIFs per/track.

Further IN ACCORD TO THE DVC STANDARD for recording digital data to a DIGITAL VCR, when recording MPEG 2 transport stream to DVC or a digital VCR in DIF block format the HEADER of the MPEG TRANSPORT STREAM, the copy management information will be inserted.

Therefore, there is a MPEG transport stream header recorded to the DVC (VCR), being in a DIF block format, as those skilled in the art the examiner believes would understand is that, "the MPEG Transport Stream", itself is encapsulated, call it what ever (copying or conversion), to this format as also understood in Fig. 12, each track has a header corresponding for example to 150 DIF/track, in accord to Fig. 5, 10 tracks per frame.

As understood the video data section of Fig. 6, as an example, would include the MPEG transport stream with a header, used to store copy management data, therefore must have a header, as taught.

3. Claims 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085) and Okuyama (US 5,987,126), as applied, and further in view of Oskouy et al. (US 6,791,947).

The examiner incorporates by reference the rejection of record against the claims, wherein as amended has been analyzed and discussed with respect to claims above.

4. Claims 16-17 and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085) and Okuyama (US 5,987,126) as applied, in view of Yanagihara et al. (US 5,684,917).

Art Unit: 2621

The examiner incorporates by reference the rejection against the claims, wherein as amended has been analyzed and discussed with respect to claims above.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085), Okuyama (US 5,987,126) and Yanagihara et al. (US 5,684,917) in view of Takeda et al. (US 6,101,215).

The examiner incorporates by reference the rejection of claim, wherein as amended has been analyzed and discussed with respect to claims above.

#### **Conclusion**

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Contact Fax Information**

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

#### **Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
1/20/07

*Vincent F. Boccio*  
**VINCENT BOCCIO**  
**PRIMARY EXAMINER**